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09/648,451	08/28/2000	Yukihiro Kawamata	500.38966X00	5431

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-9889

EXAMINER

SHRADER, LAWRENCE J

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

224

Office Action Summary

Application No.

09/648,451

Applicant(s)

KAWAMATA ET AL.

Examiner

Lawrence Shrader

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 3 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 4-6 is/are allowed.
- 6) ☒ Claim(s) 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the Applicant's Amendment received on August 15, 2003.
2. Claims 1 – 6 are allowed; claims 7 – 10 remain rejected.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 – 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Karibe et al., European Patent Application Publication EP 0 926 862 (hereinafter referred to as Karibe) in view of Donohue, U.S. Patent 6,199,204.

In reference to claim 7, Karibe discloses a software updating system:

A station for distributing... Karibe discloses a software distributing station at column 1, lines 3 – 5, but does not disclose that a distribution list is distributed in advance of distributing the software. However, Donohue discloses distribution of a distribution software list in advance of distributing the software (column 19, lines 7 – 16) to compare available software updates. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to update software according to the system of Karibe and modify it with the download of the distribution list in advance as taught by Donohue, because this procedure allows successive

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updates to be implemented having component interdependence requirements of successive installs communicated to each other without any input from the user, as taught by Donohue (column 5, lines 18 – 28).

The terminal apparatus... Karibe discloses a terminal apparatus that updates and user software distributed from another station (column 1, lines 21 – 25), but does not disclose a distribution software list. However, Donohue discloses distribution of a distribution software list in advance of distributing the software (column 19, lines 7 – 16) to compare available software updates. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to update software according to the system of Karibe and modify it with the download of the distribution list in advance as taught by Donohue, because this procedure allows successive updates to be implemented having component interdependence requirements of successive installs communicated to each other without any input from the user, as taught by Donohue (column 5, lines 18 – 28).

Wherein said station distributes... Karibe discloses a terminal apparatus that updates and user software distributed from another station (column 1, lines 21 – 25), but does not disclose a distribution software list. However, Donohue discloses distribution of a distribution software list in advance of distributing the software (column 19, lines 7 – 16) to compare available software updates having the name of the software to be distributed, and compatible software necessary for operation of the software (see also Figure 2). Since the receiving unit sends the program name back to the transmitting unit in the status information, it would follow that the list would contain the name after updating. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to update software according to the system of Karibe and modify it

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with the download of the distribution list in advance as taught by Donohue, because this procedure allows successive updates to be implemented having component interdependence requirements of successive installs communicated to each other without any input from the user, as taught by Donohue (column 5, lines 18 – 28).

In reference to claim 8, Karibe discloses a software updating system with a reception unit having a software-managing unit (column 12, lines 23 – 26).

In reference to claim 9, if the reception unit receives, or the distribution station sends the download from a satellite it would be inherent in the system that the information would be distributed along a zenith direction.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karibe et al., European Patent Application Publication EP 0 926 862 in view of Ando et al., U.S. Patent 6,230,098 (hereinafter referred to as Ando).

In reference to claim 10, Karibe teaches a terminal apparatus that receives updated software via satellite with a management unit that determines the proper sequence of the update, but does not teach a vehicle information terminal for automatically updating application software, map data, or system software using a terminal apparatus. Ando teaches a map data processing and updating system through a broadcast system to an on-vehicle terminal device. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to update software according to the system of Karibe and modify it with the system of Ando in such a way to receive mobile vehicle map updating information via land broadcast or satellite system in order to provide a currently updated navigation capability.

Allowable Subject Matter

6. The following is an examiner's statement of reasons for allowance of claim 1:

Prior art of record, taken either singly and/or in combination, does not teach or suggest a terminal apparatus as recited in independent claim 1 that *forms* an installation sequence table in accordance with a distribution software list. The following claimed features are not taught or suggested by the prior art of record:

The distribution software list having been downloaded in advance, which describes:

- a software name of a program or data of the distributed data group or program group.
- compatible software necessary for operation of the program or data;

and the installation sequence table that describes:

- the program or data of the terminal apparatus to be updated
- software necessary in a chain manner for updating the program or data
- the update sequence of the software.

The closest prior art is Karibe et al., European Patent Application EP 0 926 862 A2, which discloses a software download system wherein the software, a software information table, and a download table are sent to respective judging sections in the receiving unit, using those judging sections to determine if the software is downloadable or not, but it does not disclose a sequence management unit that *forms* an installation sequence table in accordance with a previously downloaded distribution software list, and then determines the update sequence in a chain manner.

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Also, Delo, U.S. Patent 6,378,127 discloses an installation sequence table, but does not determine the update sequence of the software based on information obtained from a downloaded distribution software list.

Therefore claims 4 – 6 are allowed being dependent on claim 1.

Response to Amendment

7. The Applicant has argued:

Regarding claims 1 and 7, Applicants submit that Karibe et al. does not disclose or suggest the limitations in the combination of each of these claims of, inter alia, an update sequence management unit that forms an installation sequence table in accordance with a distribution software list downloaded in advance at a terminal apparatus, where the installation sequence table describes the program or data of the terminal apparatus to be updated, software necessary in a chain manner for updating the program or data, and the update sequence of the software, or a distribution software list that includes the descriptions as recited in the limitations of the claims of the present application. Karibe et al. merely teaches a terminal apparatus that decides a version of software to be downloaded, and receives the software from a satellite thereby to perform the update processing of the software. Karibe et al. does not disclose or suggest anything related to the update sequence of the software being related to a distribution software list that had been downloaded in advance, as recited in the claims of the present application. The Examiner asserts that Karibe et al. teaches an update sequence management unit at col. 12, lines 23-26. However, this portion of Karibe et al. merely discloses a software managing section 5 that manages the software received from downloading and stores the software in a software storing section 6. This is not an update sequence management unit that forms an installation sequence table in accordance with a distribution software list downloaded in advance and that determines the update sequence of the software based on the installation sequence table. In the Examiner's 103 rejection of claim 2 (canceled by Applicants), the Examiner admits that Karibe et al. does not teach an installation sequence table but asserts that Delo teaches the use of an installation sequence table controlling the sequence of installation actions at col. 7, lines 21-23. However, this portion of Delo merely discloses an installation sequence 208 being a table that controls the order of actions to be performed during a software product installation. This table is a part of an action database 200. The installation sequence table in action database 200 is not an update sequence management unit that forms an installation sequence table in accordance with a distribution software list where the installation sequence table describes, among other things, the update sequence of the software, as recited in the

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claims of the present application. The sequence in Delo is not one which determines the update sequence of the software based on the dependency information obtained from the distribution software list having been downloaded, as is the case in the present application.

Examiner's response:

Claims 1 and 7 cannot be taken together since they are claiming different aspects of the invention, e.g. claim 7 does not claim the formation of an installation sequence table as does claim 1. Claim 7 remains rejected in light of the 35 USC § 103 rejection in the current action.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Shrader whose telephone number is (703) 305-8046.

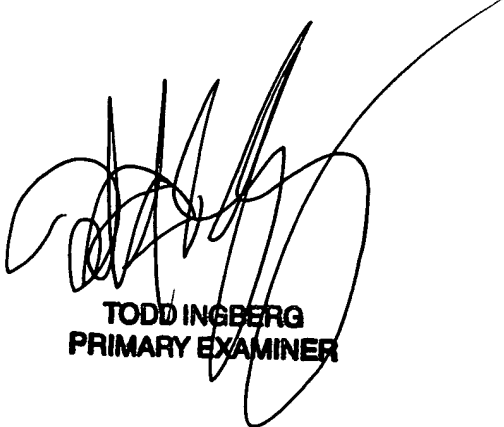
The examiner can normally be reached on M-F 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lawrence Shrader
Examiner
Art Unit 2124

October 30, 2003



**TODD INBERG
PRIMARY EXAMINER**